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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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DAVID CROSSETT,

Plaintiff,

v.

CARRIAGE CROSSING  
CONDOMINIUMS, HOA STRATEGIES,  
TREVER MIDGLEY, JOSEPH GROBERG,  
ERIKA LNU, HARLAND REIST, HEIDI  
BELNAP, JOY AMES, LOGAN VAN  
WAGONER-CARRUTH, LYNNE WILDE,  
VALON LEE, MILLER HARRISON, LLC,  
and DOUG SHUMWAY,

Defendants.

**ORDER ADOPTING [67] REPORT AND  
RECOMMENDATION:**

- **GRANTING IN PART [ECF NO. 33] DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**
- **DENYING [ECF NO. 60] PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**
- **DISMISSING ADA CLAIM FOR FAILURE TO STATE A CLAIM, AND**
- **DISMISSING REMAINING CLAIMS WITHOUT PREJUDICE**

Case No. 1:24-cv-00125

District Judge David Barlow

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The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Daphne A. Oberg on July 11, 2025, recommends that the court grant in part Defendants' motion for judgment on the pleadings,<sup>2</sup> deny Mr. Crossett's motion for preliminary injunction,<sup>3</sup> dismiss Mr. Crossett's claims brought under the Americans with Disabilities Act without prejudice, and dismiss the remaining state law claims without prejudice. The magistrate judge notified the parties of their right to object to the Report and Recommendation within 14 days of its service

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<sup>1</sup> Report and Recommendation ("R&R"), [ECF No. 67](#), filed July 11, 2025.

<sup>2</sup> Rule 12(c) Motion for Judgment on the Pleadings on Plaintiff's Complaint, [ECF No. 33](#), filed Oct. 18, 2024.

<sup>3</sup> Plaintiff's Motion for Preliminary Injunction and Sanctions, [ECF No. 60](#), filed Mar. 21, 2025.

pursuant to 28 U.S.C. § 636(b)(1).<sup>4</sup> Mr. Crossett did not object to the magistrate's decision.

Therefore, the court reviews the Report and Recommendation for clear error.<sup>5</sup> Having done so, the court finds that the magistrate judge's analysis and conclusions are sound and no clear error appears on the face of the record.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED.<sup>6</sup> Defendants' motion for judgment on the pleadings is GRANTED in part and Mr. Crossett's claims are dismissed without prejudice.<sup>7</sup> Mr. Crossett's motion for preliminary injunction is DENIED.<sup>8</sup>

Signed July 28, 2025.

BY THE COURT



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David Barlow  
United States District Judge

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<sup>4</sup> R&R at 13.

<sup>5</sup> *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at \*2 (D. Utah June 16, 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *Port City Props. v. Union Pac. R. Co.*, 518 F.3d 1186, 1190 n.1 (10th Cir. 2008) (alteration in original) (quoting *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

<sup>6</sup> ECF No. 67.

<sup>7</sup> ECF No. 33.

<sup>8</sup> ECF No. 60.